

THE CITY OF GREENSBORO, LEWIS A.
BRANDON III, JOYCE JOHNSON,
NELSON JOHNSON, RICHARD ALAN
KORITZ, SANDRA SELF KORITZ, AND
CHARLI MAE SYKES, Plaintiffs,

v.

THE GUILFORD COUNTY BOARD OF
ELECTIONS, Defendant.

BRIEF AMICUS CURIAE OF GEORGE
HARTZMAN IN OPPOSITION TO
PLAINTIFF'S REQUEST FOR
TEMPORARY RESTRAINING ORDER

Facts

1.

The overall population deviation in the plan was also caused by a desire to devalue the votes of minority voters, which is an arbitrary and discriminatory purpose.

Plaintiffs' July 13, 2015 Case 1:15-cv-00559 filing

On Wednesday, July 8, 2015, I sent the following email to the listed addresses at the Southern Coalition for Justice, which included Executive Director Anita Earls and Staff Attorney for Voting Rights Allison Riggs, Attorneys for Plaintiffs Lewis A. Brandon III, Joyce Johnson, Nelson Johnson, Richard Alan Koritz, Sandra Self Koritz, and Charli Mae Sykes. Most of the words were heard on the same day by Greensboro City Attorney Thomas Caruthers, City Council and whomever else was there from Brooks Pierce and the Southern Coalition for Justice who may have been involved in a closed session immediately following the public hearing before the City Council vote to pursue litigation;

from: George Hartzman to: anita@scsj.org, daryl@scsj.org, allison@scsj.org, George@southerncoalition.org, ianmance@southerncoalition.org, ChrisKetchie@southerncoalition.org, SarahMoncelle@southerncoalition.org, BethanEynon@southerncoalition.org, DavidHall@southerncoalition.org, umar@scsj.org

date: Wed, Jul 8, 2015 at 2:01 PM

subject: "My three minutes at Greensboro's City Council this evening.

"George Hartzman, registered as unaffiliated, 2506 Baytree Drive

If our City wasn't as crooked as it is, I would defend the status quo, but Greensboro's big money contributors who enjoy the financial benefits of owning Council members are very interested in keeping Greensboro's districts just as under their control as it is now.

Put the state's shameful process on a shelf, and the net positive in the near term should be a less corrupt Council by ridding City taxpayers of some who have personally benefited from their elected posts.

The process was shameful, but the end product deserves a try.

It's better to have eight small districts for individuals to knock on doors than a few City wide at large swing votes for sale to the highest bidders.

More expensive races equal more control for Greensboro's big contributors who profit from taxpayer ignorance, and less expensive smaller races equates to more control for everyone else.

If you are one of Greensboro's African Americans, this redistricting scheme is the best thing to happen for Greensboro's Black's in decades. Greensboro will have at least 3 minority districts. The City had 3 of 9 African American votes before, which was 33%. Now minorities can have at least 3 of 8, which is 37.5% 4 of 8 minority Council votes are likely, which would give Greensboro's African American community half of the voting seats. Those citing racism after most realize the actual benefits are most likely those with something to personally lose.

The News and Record and Rhino's coverage of Redistricting instead of the repeal of the Protest Petition kept attention away from where crony interests who control City Council make money.

Why wasn't there a referendum for the Performing Arts Center which Roy Carroll and friends are set to profit from? I'll take "we shall see" over blatant unreported, non prosecuted corruption any day. The less power our rulers have to line their own pockets, the better."

From what I can tell, you must not have done your due diligence on the statistics yet. The last backlash election was 2011, when Robbie Perkins beat Bill Knight on the White Street landfill issue. I have the stats if you are interested. g"

2. Also on Wednesday, July 8, 2015, Triad City Beat's Eric Ginsburg wrote that in the late 1960's; "George Simkins, a black civil rights pioneer, put forward the first of several proposals to modify the election process that went before voters. His idea: scrap at-large representation altogether, expanding the number of seats on council to create 12 districts and a mayor elected at large."

3. On July 11, 2015, I sent a "reply to all" email to the same individuals at the Southern Coalition for Justice, which began with;

"I went through the stats in this one; Must Read; Attorney Samuel Spagnola on "internecine race conflicts within the Democratic Party" and Greensboro's Redistricting" including a link to ezgreensboro.com which stated **[GH; out of order]**;

"Top two at large vote recipients by the new Districts, with the candidate who won the most votes in 2011 when Robbie Perkins won over Bill Knight over the White Street Landfill issue.

Winners listed first and second, which backs up the demographic numbers from the new districts which suggests Blacks will control four City Council seats;

- | | |
|--------------------------|------------------------------------|
| 1. Johnson and Abuzuaite | 5. Johnson and Chris Lawyer |
| 2. Johnson and Abuzuaite | 3. Nancy Vaughan and Johnson |
| 4. Johnson and Abuzuaite | 7. Chris Lawyer and Danny Thompson |
| 6. Johnson and Abuzuaite | 8. Chris Lawyer and Nancy Vaughan |

Top two at large vote recipients by District [2013], with the candidate who won the most votes listed first;

- | | |
|--------------------------|----------------------------|
| 1. Johnson and Abuzuaite | 3. Barber and Johnson |
| 2. Johnson and Abuzuaite | 5. Barber and Johnson |
| 4. Johnson and Abuzuaite | 7. Barber and Chris Lawyer |
| 6. Johnson and Abuzuaite | 8. Barber and Chris Lawyer |

2011 race between Bill Knight and Robbie Perkins by the new Districts, listing the candidate who won each district which also backs up the demographic numbers suggesting blacks should control four of the new districts;

- | | |
|---|--------------------------------------|
| 1. Perkins 3,388 to 606 for Bill Knight | 3. Perkins 3,201 to 3,074 |
| 2. Perkins 2,791 to 812 for Bill | 5. Knight 2,349 to 1,711 for Perkins |
| 4. Perkins 3,214 to 421 | 7. Knight 3,401 to 2,147 for Perkins |
| 6. Perkins 1,752 to 1,115 for Knight | 8. Knight 4,329 to 2,884 for Perkins |

[GH, not from the email; The majority of both Johnson and Abuzuaite's constituents were African American in 2011 and 2013, as well as Robbie Perkins' against Bill Knight in 2011 over the White Street Landfill reopening issue.]

From the Board of Elections;

DISTRICT 1 most probable winner; A Black Democrat

Total Voters; 25,852, Dem; 18,575, Rep; 1,648, Una; 5,552, Black; 19,649, White; 4133

DISTRICT 2 most probable winner; A Black Democrat

Total Voters; 20,718, Dem; 14,189, Rep; 2162, Una; 4,299, Black; 14,297, White; 4,985

DISTRICT 4 most probable winner; A Black Democrat

Total Voters; 24,166, Dem; 18,057, Rep; 1,298, Una; 4,710, Black; 18,773, White; 3,539

DISTRICT 6 most probable winner; A Black Democrat

Total Voters; 20,545, Dem; 12,262, Rep; 2,803, Una; 5,374, Black; 10,280, White; 7,784

More Dems in District 6 today than in 2011 when Robbie Perkins won over Bill Knight over the White Street Landfill issue.

2011; DISTRICT 6 most probable winner; A Black Democrat

Total Voters; 19,453, Dem; 11,941, Rep; 3,170, Una; 4,306, Black; 9,025, White; 8,723

2015; DISTRICT 6 most probable winner; A Black Democrat

Total Voters; 20,545, Dem; 12,262, Rep; 2,803, Una; 5,374, Black; 10,280, White; 7,784

More Blacks in District 6 today than in 2011 when Robbie Perkins won over Bill Knight over the White Street Landfill issue.

Fewer Republicans in District 6 today than in 2011 when Robbie Perkins won over Bill Knight over the White Street Landfill issue.

Fewer Whites in District 6 today than in 2011 when Robbie Perkins won over Bill Knight over the White Street Landfill issue.

By my count from numbers provided by Guilford County's Board of Elections that's four Black Democrats, which confirms what Spag is saying."

[Samuel 'Spag' Spagnola on Mayor Nancy Vaughan's Facebook page]; "The opposition to this is being driven by white Democrat incumbents who are worried that they will have to compete with black Democrats. ...This bill will still likely result in at least four black Democrat council members at the expense of white Democrats. This isn't about partisanship, it's about internecine race conflicts within the Democratic Party.

The hoopla about racial representation within the City as whole is a smoke screen. The reason for the frivolous suit is to get an injunction before there is an election where the result of such election would prove exactly what I am saying- there will not be fewer black Democrats on City Council, but there may very well be fewer white Democrats. It seems that a lot of white Democrats prefer the plantation system where black Democrats are strategically placed in districts so as not to compete with white Democrats.

They want to give blacks token power, but just not enough power to interfere with the agenda of white power brokers in the Democratic Party. It works the same way on the state and federal level. Keep the blacks in their place by giving the appearance of looking out for their interests (assuming that all blacks have the same interests) while lecturing others about alleged racism. It has worked spectacularly well, but I sense that many blacks are catching on to this racket.

There is no civil rights violation.

This is about the City arguing that the legislature does not have the right to do what the law clearly allows it to do. Always ask what is the end result, the goal if you will. It comes down to one thing- protecting incumbents and/or ensuring that lines are drawn to help white Democrats remain competitive in a city that

has a large black Democrat population... It would be a grand theory to justify it as the standard for an injunction is "immediate and irreparable harm" Question who faces "immediate and irreparable harm"?

Since nobody has a right to win an election or a right to a "safe seat", I don't see how this could meet that standard. If it were so, then wouldn't all candidates seek an injunction on the basis that if they might possibly lose, they would face immediate and reparable harm?"

Samuel (Spag) Spagnola

https://www.facebook.com/nancy.vaughan/posts/10205542596618931?comment_id=10205547566143166¬if_t=feed_comment_reply

[Susan Ladd, Greensboro News and Record]; "three of the six sitting council members — including two of the four black representatives — will lose their seats because they will be facing each other in the same district."

This is particularly rich in irony when you recall that Wade claimed her original bill would increase minority representation.

"Its redistricting aspects likely violate the Voting Rights Act by packing black voters into two districts."

N&R; "Greensboro council says HB 263 redistricting is ...racist", which isn't true.

...Some argued ...the changes were ...designed to limit minority representation on the City Council.

[Greensboro At-Large Councilwoman Yvonne Johnson]; ..."When you look at a map where all four black City Council members are drawn into districts where they have to face each other, it's not a coincidence," Johnson said. "It smells of racism to me."

"Segregation was legal. Slavery was legal," "But it wasn't right." "I'm going to stand up for what is right, come hell or high water"

Councilwoman Sharon Hightower, drawn into District 1 with Outling, agreed. "It's racism, and it's partisanship," she said.

...“In the last 24 hours I’ve heard overwhelmingly from people who want us to pursue all of our legal options,” Vaughan said. “There are very few people who are happy about this.”

**Like Greensboro's citizens are going to call the Mayor
and tell her what she doesn't want to hear.**

4. After receiving multiple examples of actual votes within the new districts by Greensboro's registered voters, the Southern Coalition for Justice and Brooks Pierce cited only Voting Age Population statistics to the Court in item 44 of their complaint, instead of actual registered voters and registered voters who actually voted in the prior two elections which they had access to, and chose not to cite, misleading the Court and tarnishing Plaintiff's legal arguments by using non-relevant, non-specific, un-sourced and un-dated data, after being provided detailed, current and sorted prior data from the Guilford County Board of Elections.

5.

At present, the Greensboro City Council includes four African-American members, roughly in proportion with the racial makeup of the city's residents, 42.34% of whom are African-American or mixed-race African-American.

...the Greensboro Act pairs all four African-American incumbents in a district with another African-American incumbent.

Plaintiffs' July 13, 2015 Case 1:15-cv-00559 filing

On June 16, 2015, WFMY News 2 reported "Justin Outling Replaces Zack Matheny On Greensboro City Council", which stated "Greensboro City Council appointed Justin Outling to replace Zack Matheny as the District 3 representative." and "Council voted 7-2 in favor of Outling's appointment. Outling will serve out the remainder of Matheny's term, which ends this year." and "Outling plans to run for the District 3 seat in November."

Justin Outling was not elected, but appointed.

Zack Matheny is/was a white Republican now living in a different district, rendering Plaintiff's arguments associated with past, current or future racial disparities associated with Greensboro's minority makeup and incumbent residential locations purposefully misleading to the Court.

Argument

1. The City of Greensboro's attempt to use racial disparity to prevent an upcoming redistricted City Council election is specious, as detailed in Items 1-5 in Facts.
2. Plaintiff's request for a temporary restraining order should be denied, as the City's other arguments against the State's legislation, some of which may be valid, are not contingent on immediate injunctive relief, which would prohibit the revised Greensboro City Council redistricted election from occurring, which would likely enable four minority City Council seats, as detailed in Items 1-5 in Facts.

Respectfully submitted, Tuesday, July 14, 2015.

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CERTIFICATE OF SERVICE

I hereby certify that on Tuesday, July 14, 2015, I served the foregoing by U.S. Mail, properly addressed and postage prepaid with service tracking, upon the following;

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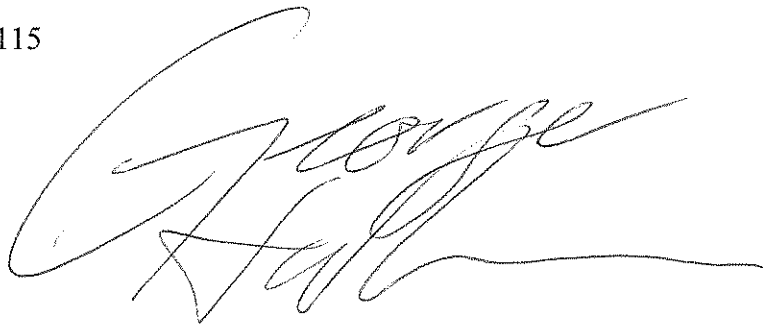
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A handwritten signature in black ink, appearing to read "George Hartzman", with a long horizontal flourish extending to the right.

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